

13281 U.S.PTO
011604

PATENT
ATTORNEY DOCKET NO.: 051481-5122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

17497 U.S.PTO
10/758126
011604

**TRANSMITTAL FOR A NEW AND ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Andre VEINOTTE

For: ELASTOMERIC VAPOR FLOW CONTROL ACTUATOR

1. This is a new Utility Design Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:

11 Pages of Specification including

0 Title Page
3 Pages of Claims
1 Page of Abstract

2 Sheets of drawings containing 4 Figures
 The enclosed drawings are photographs, and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

Enclosed and is executed by the inventor

Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying fees.

4. Language

- English
 Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.
 An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

- Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: is attached. will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

- Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/440,864	January 17, 2003

A. Relate Back - 35 U.S.C. §119(e)

- Amend the specification by inserting before the first line the sentence: "This application claims priority of copending provisional application(s) No. _____ filed on _____. "

8. Small entity status

- Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

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9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee
Total Claims (37 C.F.R. § 1.16(c))	9	0	\$ 18.00 each =	Utility \$770.00 Design \$385.00 \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	3	0	\$ 86.00 each =	+ \$0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$290.00	+ \$
SUB-TOTAL =				\$770.00
Reduction by ½ for filing by a small entity				- \$
TOTAL FILING FEE =				\$770.00

10. Fee Payment

- Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- The Commissioner is authorized to charge Deposit Account No 50-0310 in the amount of **\$770.00** for the basic filing fee.

11. **EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Date: January 16, 2004

By:

Peter J. Sistare
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